

REMARKS

One Month Extension – Pursuant to 37 C.F.R. 1.136(a), the Applicants hereby petition for a one month extension of time to respond to the Office Action. This extension will extend the response due date to Monday, July 31, 2006.

The Examiner rejected claims 2, 22, and 24 under 35 U.S.C. 112. The Examiner rejected claims 1-90 under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. Pub. No. 2003/0120541 (Siann et al.). Claims 1-90 are currently pending this application. Claims 2, 14, 22, and 24 have been amended for the sole purpose of expediting issuance of a patent in this case. The applicants reserve the right to reintroduce the claims at a later date, if desired.

The 112 Rejections

The applicants have amended claims 2, 22, and 24, to correct clerical errors. The amendments are not intended to narrow the scope of the claims.

The Prior Art

Siann et al. apparently teach a method and device for electronically providing electronic media content and advertising content includes a media player and electronic media content from an electronic media content provider. The media player is electronically provided with the electronic media content via a first method of transmission. The media player is also electronically provided with advertising content, from an advertising content provider, via a second method of transmission. If necessary, the electronic media content is decrypted by the media player prior to the electronic media content being provided to the user. The media player electronically determines when advertising is to be played on the media player. Additionally, according to an embodiment, when the media player is disconnected from the first method of transmission, and the media player ceases to receive electronic media content via the first method of transmission, the media player is electronically provided with advertising content via the second method of transmission. (Abstract).

As the Examiner points out at page 2 of the Office Action, Siann et al. disclose at paragraph 43 "sending a text-based message to a hand-held device using an SMS technique,"

because Siann et al. disclose in paragraph 37 that "the Media Player is a portable, and therefore a hand-held, device." The Examiner further indicates that "FIG. 1B clearly indicates a transmission path separate from the media player, as described in paragraph 99." Notably, since the text-based message is sent to the Media Player, Siann et al. logically cannot send the text-based message to a hand-held device *via a transport technique not including a playback device*. In Siann, the hand-held device and the Media Player are one in the same.

The Prior Art Distinguished (Claims 1-24)

Claim 1 includes, in pertinent part, the language: "sending to a hand-held device, via a transport technique not including the playback device, a text-based message that includes data from which rights information is derivable by the system[.]"

To anticipate a claim, a reference must teach each and every element of the claim. As described above, Siann et al. do not teach sending a message to a hand-held device via a transport technique not including a playback device, as recited in claim 1. Moreover, the applicants respectfully assert that Siann et al. has provided no suggestion or motivation to send text-based messages to a hand-held device, and derive rights information for a playback device therefrom. For at least either of these reasons, claim 1 is allowable over Siann et al.

Claims 2-24, which depend from claim 1, are allowable at least for depending from an allowable base claim. These claims may be allowable for additional reasons, as well.

For example, Claim 8 includes the language "putting together at least an identity of the playback device and an identity of content; applying at least part of the message, the identity of the playback device, and the identity of the content to authenticate the execution rights for the playback device for the content." Siann et al. do not disclose putting together the identity of a playback device and the identity of content, nor do they disclose using the identity of the playback device and the identity of the content, along with the message, to authenticate execution rights. So Claim 8 is allowable for these additional reasons.

As another example, Claim 11 includes the language "at least a portion of the message is manually entered into the playback device." While the Examiner asserts that paragraph 47, in which Siann et al. define the terms "'automatic,' 'automatically,' 'automated,' or the like,"

apparently inherently teaches manual entry of data by humans, Claim 11 includes entering "at least a portion of the message" where the message is received at a hand-held device and at least a portion of the message is entered into a playback device. Since the Examiner has provided no motivation to enter data as in the claimed method, Claim 11 is allowable for this additional reason.

The Prior Art Distinguished (Claims 25-26)

Claim 25 includes, in pertinent part, the language "sending a text-based message to a hand-held device using an SMS technique, the text-based message including one or more characters; providing the one or more characters to a playback device that includes at least one of rights-enforcing hardware, rights-enforcing software." As described previously with reference to Claim 1, Siann et al. do not disclose sending a text-based message to a hand-held device, and then providing some of the text-based message to, for example, the Media Player. Claim 25, on the other hand, explicitly includes such language. Accordingly, Claim 25 is allowable over the Siann et al. reference. Claim 26, which depends from Claim 25, is allowable at least for depending from an allowable base claim.

The Prior Art Distinguished (Claims 27-33)

Claim 27 includes, in pertinent part, the language "sending a text-based message to a hand-held device using an SMS technique, the text-based message including information from which rights information is derivable by a system including a secure processor and a playback device under control of that secure processor; authenticating that rights information at the secure processor in response to mandatory security software executed by the secure processor." As described previously with reference to Claim 1, Siann et al. do not disclose sending a text-based message to a hand-held device, and then providing some of the text-based message to, for example, the Media Player. In addition, the applicants respectfully assert that Siann et al. do not disclose a secure processor. As the Examiner points out, Siann et al. describe a secure storage device 485 (FIG. 4) in which content and access rules are stored. However, at no point do Siann et al. describe the CPU and Operating System 480 as including a secure processor. Claim 27, on the other hand, explicitly includes language describing "sending a text-based message to a hand-held device" and authenticating rights information associated with the text-based message at a secure

processor that controls a playback device. Accordingly, Claim 27 is allowable over the Siann et al. reference for at least these reasons.

Claims 28-33, which depend from Claim 27, are allowable at least for depending from an allowable base claim. These claims may be allowable for additional reasons, as well.

The Prior Art Distinguished (Claims 34 and 35)

The applicants, after a careful reading of the Siann et al. reference, respectfully assert that Siann et al. neither disclose nor suggest the language of Claims 34 and 35. Accordingly, Claims 34 and 35 are allowable over Siann et al.

The Prior Art Distinguished (Claims 36-68)

The applicants, after a careful reading of the Siann et al. reference, respectfully assert that Siann et al. neither disclose nor suggest the language of Claim 36. Specifically, Siann et al. do not disclose "constructing, at the playback device, parameters of execution rights from the license information included in the SMS message." Nor do Siann et al. disclose "using at least part of the SMS text message as a signature to authenticate the constructed parameters of execution rights." Advantageously, using this technique, the SMS message has authorization information, but the playback device can construct rights parameters. For at least these reasons, Claim 36 is allowable over Siann et al. Claims 37-68 are allowable for depending from an allowable base claim.

The Prior Art Distinguished (Claims 69-90)

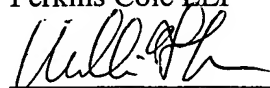
Claim 69 is allowable for reasons similar to those described with reference to Claim 36. Claims 69-90 are allowable for depending from an allowable base claim.

Conclusion

The applicants have amended claims solely for the purpose of expediting issuance of a patent in this case. The applicants reserve the right to reintroduce the claims in later Office Action responses or in continuations. No new matter has been added.

A Notice of Allowance is respectfully requested. Should the Examiner find that a telephone or in-person conference would expedite the prosecution of this Application further, he is invited to contact the Applicants' counsel at the contact listed below for such a conference.

Respectfully submitted,
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